

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CITY CODE CHAPTER 119, “REFUSE, SOLID WASTE AND
SPECIAL TRASH” BY REPEALING AND RE-ENACTING §119-9, “RATES”,
TO MAKE PROVISION FOR A WAIVER OF BULKY TRASH COLLECTION
FEES IN CERTAIN CIRCUMSTANCES AND TO ALLOW FLEXIBILITY IN
BILLING

WHEREAS, §5-202 of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the City Charter, Article VII, “Powers and Duties of Mayor and Council”, §C7-9, “Refuse collection and disposal service”, authorizes the Mayor and Council to pass such ordinances as may be necessary to provide for the establishment and maintenance of a refuse collection and disposal service; and

WHEREAS, the Mayor and Council adopted Chapter 119, “Refuse, Solid Waste and Special Trash”, to establish and maintain a refuse collection and disposal service; and

WHEREAS, the Mayor and Council determined that it is in the public interest to amend Chapter 119 to provide for a waiver of the fees for collection of bulky trash in certain circumstances beyond the control of the resident, and to allow flexibility in billing for special, bulky and oversize/overweight collection.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, that Chapter 119, “Refuse, Solid Waste and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

Special Trash”, §119-9, “Rates” be and it is hereby repealed, re-named, re-enacted and amended to read as follows:

§ 119-9 [Rates] FEES AND WAIVERS.

- A. FEES. All fees for refuse collection will be payable annually in advance beginning July 1 each year and are as set forth in Chapter 110, Fees and Penalties. A prorated refund will be made upon 30 days' notice to discontinue service. New service will be prorated for the remainder of the year. All fees for special trash, bulky trash and overweight or oversize item collection shall be paid [~~in advance of collection~~] WHEN DUE.
- B. WAIVER. A WAIVER, IN WHOLE OR IN PART, OF THE FEE DUE FOR ANY BULKY TRASH COLLECTION MAY BE GRANTED BY THE PUBLIC WORKS DIRECTOR BASED ON PROOF OF HARDSHIP. A HARDSHIP EXISTS WHEN THE BULKY TRASH GENERATED AT A PROPERTY IN THE CITY IS THE RESULT OF AN ACT OF GOD, SUCH AS FLOODING, OR OTHER ONE-TIME EVENT OR SPECIAL CIRCUMSTANCE, SUCH AS ILLNESS OR DEATH, OR MOVE TO A RETIREMENT OR ASSISTED-LIVING FACILITY. A DENIAL OF A WAIVER MAY BE APPEALED TO THE CITY MANAGER, WHOSE DECISION SHALL BE FINAL.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:30 p.m. on the 25th day of May, 2021, shall follow the publication by at least seven (7) days, may be held separately

or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that this Ordinance shall become effective on July 1, 2021 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 11th day of May 2021.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 25th day of May 2021.

EFFECTIVE the 1st day of July, 2021.

ATTEST:

CITY OF COLLEGE PARK

By: Janeen S. Miller
Janeen S. Miller, CMC, City Clerk

By: Patrick L. Wojahn
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson
Suellen M. Ferguson, City Attorney